REMARKS

Claims 1-145 are pending in this application. By this Amendment, Claims 17, 20, 23, 26, 39 and 41 have been amended and Claims 2 and 55-145 have been cancelled without prejudice. Applicants reserve the right to prosecute the same or similar subject matter of the cancelled claims in this or another application.

In the Office Action dated September 5, 2007, the Examiner issued a requirement for restriction under 35 U.S.C. §121 categorizing original Claims 1-145 as follows:

> Group I: Claims 1-144, drawn to solid oral controlled release pharmaceutical composition, classified in class 424, subclass 468.
>
> Group II: Claims 145, drawn to pharmaceutical composition which gives an improved method of extended release of the API from the dosage form, classified in class 424, subclass 468.

In response to the requirement for restriction set forth by the Examiner, applicants elect to prosecute the subject matter of Group I, i.e., Claims 1-144, for examination in this application. Applicant respectfully reserves the right to file one or more divisional applications to non-elected Claim 145.

With respect to the Examiner's requirement for an election of species herein, applicants elect the following species:

PHARMACEUTICALLY ACTIVE INGREDIENT

Applicants elect clarithromycin as the species for the pharmaceutically active agent. Claims 1, 3-7, 9, 22-24, and 29-54 are believed to be readable on the elected species.

PRIMARY RELEASE MODIFYING AGENT

Applicants elect the presence of a primary release modifying agent and further elect a low molecular weight polyethylene oxide as the species for the primary release modifying agent. All of the elected claims are believed to be readable on the elected species.

SECONDARY RELEASE MODIFYING AGENT

Applicants elect the presence of a secondary release modifying agent and further elect a high molecular weight polyethylene oxide as the species for the secondary release modifying agent. All of the elected claims are believed to be readable on the elected species.

AUXILARY RELEASE MODIFYING AGENT

Applicants elect the presence of an auxiliary release modifying agent and further elect retrograded starch as the species for the s auxiliary release modifying agent. All of the elected claims are believed to be readable on the elected species.

PHARMACEUTICAL ADDITIVE

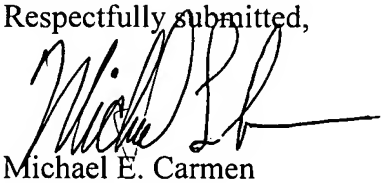
Applicants elect the presence of a pharmaceutical additive and further elect lactose monohydrate as the species for the pharmaceutical additive. All of the elected claims are believed to be readable on the elected species.

COATING

Applicants elect the presence of a coating and further elect hydroxypropyl methyl cellulose as the species for the coating. All of the elected claims are believed to be readable on the elected species.

An early and favorable action on the merits of the claims presented herein are respectfully requested.

Respectfully submitted,



Michael E. Carmen
Reg. No. 43,533
Attorney for Applicants

M. CARMEN & ASSOCIATES, PLLC
170 Old Country Road – Suite 400
Mineola, NY 11501
Phone: (516) 992-1848
Facsimile: (516) 739-0981
MEC:bg